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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**
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7 FINJAN, INC.,
8 Plaintiff,

9 v.

10 BLUE COAT SYSTEMS, LLC,
11 Defendant.

Case No. 15-cv-03295-BLF

**ORDER GRANTING BLUE COAT
SYSTEMS LLC'S MOTION TO FILE
UNDER SEAL AN EXHIBIT IN
SUPPORT OF ITS REPLY IN SUPPORT
OF MOTION TO STRIKE PORTIONS
OF EXPERT REPORTS**

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13 Before the Court is Defendant Blue Coat Systems, LLC's ("Blue Coat") Administrative
14 Motion to File Under Seal an Exhibit in Support of Defendant Blue Coat System LLC's Reply in
15 Support of Motion to Strike Portions of Expert Reports. ECF 222. For the reasons stated below,
16 the motion is GRANTED.

17 **I. LEGAL STANDARD**

18 "Historically, courts have recognized a 'general right to inspect and copy public records
19 and documents, including judicial records and documents.'" *Kamakana v. City and Cnty. of*
20 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435
21 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are
22 "more than tangentially related to the merits of a case" may be sealed only upon a showing of
23 "compelling reasons" for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092,
24 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed
25 upon a lesser showing of "good cause." *Id.* at 1097.

26 In addition, sealing motions filed in this district must be "narrowly tailored to seek sealing
27 only of sealable material." Civil L.R. 79-5(b). A party moving to seal a document in whole or in
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part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” *Id.*

II. DISCUSSION

Blue Coat moves to seal in its entirety Exhibit A to Declaration of Eugene Marder in Support of Blue Coat Systems LLC’s Reply in Support of Motion to Strike Portions of Expert Reports (ECF 221). According to Blue Coat, this document contains highly confidential technical information regarding Blue Coat’s proprietary technology, and confidential aspects of Blue Coat’s business. Marder Decl. ISO Administrative Motion to File Under Seal ¶ 3, ECF 222-1. This includes information relating to details of the internal operation of Blue Coat’s SSL Visibility Appliance and ProxySG devices, as well as those devices’ interoperation and Blue Coat’s confidential business operations. *Id.* ¶ 5. Blue Coat also states that public disclosure of this information “would create substantial risk of serious harm to Blue Coat, including evasion of Blue Coat’s malware analysis tools, disclosure to competitors regarding the scanning tools used in the accused products, and Blue Coat’s approach to fixes in the products.” *Id.* ¶ 6. The Court finds that Blue Coat has articulated compelling reasons and good cause to seal the submitted documents. In addition, the Court finds the sealing request to be narrowly tailored. Accordingly, the Court GRANTS Blue Coat’s motion to seal.

IT IS SO ORDERED.

Dated: May 15, 2017


BETH LABSON FREEMAN
United States District Judge